

**MINUTES  
LIVESTOCK FACILITY SITING REVIEW BOARD  
TELECONFERENCE MEETING**

**March 7, 2008**

**Boardroom 106, 2811 Agriculture Drive, Madison, WI**

Chair Holte called the meeting to order at 10 a.m. LFSRB members present were Lee Engelbrecht, Andy Johnson, Bob Selk, Bob Topel, Fran Byerly, and Jerry Gaska. A quorum was present. DATCP staff present were Cheryl Daniels, Lori Price, Mike Murray, and Dave Jelinski.

**Call to order**

Holte stated the meeting agenda was publicly noticed, as required, and then presented the agenda for approval. Johnson moved to approve the agenda, and Selk seconded the motion. The motion passed.

Holte presented the January 18, 2008, meeting minutes for approval. Johnson moved to approve the minutes as written, and Byerly seconded the motion. The motion passed.

**Larson Acres, Inc. v. Town of Magnolia, Docket No. 07-L-01: case status, consolidation of cases, briefing schedule, and board discussion with litigation attorney in closed session**

Daniels reported that the parties involved in the appeals agreed to consolidate the appeals into one case. The judge assigned to the case has not set a briefing schedule yet. Until a briefing schedule is set, hopefully for May or June, the LFSRB will not need to meet with their litigation attorney, Bob Hunter. Johnson asked if there was any pressure to make a decision on these appeals. Daniels replied that circuit court judges do have to report to their superiors every six months on the status of their cases. Selk added that the petitioners can move the appeals along by asking for a briefing schedule, and Daniels replied that neither the board's litigation attorney nor the parties have asked for this yet. It's possible the judge may feel no pressure to expedite this case as long as the board's order is currently being followed.

**Ronald S. Stadler v. Crawford County, Docket NO. 08-L-01: notice of request for review and discuss need for technical assistance from DATCP staff concerning the Roth nutrient management plan**

Daniels reported the LFSRB received two notices for request for review of the county issuance of a livestock facility siting permit for the Roth Feeder Pig, Inc. facility. One of the appeals came from Stadler who owns property within the 2-mile radius of the facility, and the other appeal came from 28 other neighbors who filed an appeal through Midwest Environmental Advocates. Shortly after the notices were received, Daniels sent out a notice to the county requesting the record and informing persons within the two-mile radius that an appeal was filed. Daniels has received the first part of the record which included the application. This part will be sent in hardcopy form to board members. The other part of the record that includes a report done by the Crawford County

Stewardship group will be sent out to board members once it is received and copied onto compact discs. The position statements are due by March 14<sup>th</sup>, and replies are due by March 28<sup>th</sup>.

Daniels commented that the dispute centers around the facility's nutrient management plan and whether it meets the standards set forth in NRCS 590. Murray added that because 590 is very complex, DATCP staff could provide technical assistance on the plan to the LFSRB, if they so choose. The board members agreed to review the record first then hold a teleconference meeting on April 4<sup>th</sup> to discuss if they need further technical assistance on the nutrient management plan. Daniels stated that DATCP staff will be present at that meeting to write down any technical questions the board members may have, and then respond back to the LFSRB in writing before the April 18<sup>th</sup> meeting. The board members also agreed that the technical assistance they receive should not be in support of the appeal one way or the other, and should not be perceived as accepting new information besides what is in the record.

Selk confirmed through Daniels that there was no jurisdictional issue for the LFSRB to consider in this case. Gaska asked if there was any conflict of interest for Selk in this case because he was nominated by Midwest Environmental Advocates to serve on this board. Selk commented that he is not affiliated with MEA and does not communicate with the organization on livestock siting issues. He did not believe there was a conflict of interest in this case. Gaska agreed with this.

**Livestock siting annual report preparation: overview of livestock facility siting program from May 2007 to April 2008, inclusion of LFSRB activities in the program report, and LFSRB evaluation of the livestock facility siting program**

Murray began his report by updating the LFSRB on DATCP livestock facility siting activities that included hiring a livestock siting engineer to help local governments, setting up a livestock siting service center within DATCP, and speaking with local governments on livestock siting. He continued the overview with challenges facing local governments on the livestock siting law including land use issues, administration of a livestock siting ordinance, and notice to the public of a siting facility request. The questions received so far on the livestock facility standards have been related to odor, and waste and nutrient management. In the future, DATCP staff may hear more about proper construction of manure pits and monitoring compliance with permits. Later in the meeting, Johnson asked Murray how many local governments are looking at adopting livestock facility ordinances in the future. Murray replied that approximately six local governments are either in the process of looking into this or are moving forward with adopting an ordinance.

Murray then reviewed the LFSRB activities he had included in the annual report and asked the board members if this was an accurate assessment of what they would like to include in the report. The LFSRB activities included summaries of LFSRB cases and decisions so far, and changes to the board's bylaws. Selk confirmed with Daniels the information was accurate. The conversation then briefly turned towards possible changes in ATCP 51 that DATCP staff might foresee in the future. Jelinski cautioned the board that it is premature to speculate changes to the program at this time. Murray asked the LFSRB if they would like help from DATCP staff on getting information out on the LFSRB to the public. Selk responded that LFSRB outreach activities would go beyond their role as an appeal boards. Daniels commented she has been asked to speak about the how the siting

law has been implemented in Wisconsin and wanted to make sure this was approved by the LFSRB members first. Selk asked that she speak through the board's decisions, and Topel added that he didn't have a problem with speaking about the success of the program.

#### **Board schedule and future agenda items**

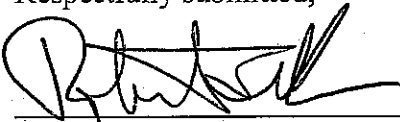
Holte reminded the LFSRB of the teleconference meeting on April 4<sup>th</sup>, and the Stadler v. Crawford County appeal hearing to take place at the April 18<sup>th</sup> meeting.

Johnson noted that his LFSRB term ends on May 1, 2008. Daniels responded the reappointment process consists of the organization that originally nominated Johnson to the LFSRB will contact him directly and then write a recommendation letter to the DATCP secretary. The state senate will confirm the reappointment.

#### **Adjourn**

Johnson moved to adjourn the meeting, and Byerly seconded the motion. The motion passed. The meeting ended at 11:20 a.m.

Respectfully submitted,



Bob Selk, Secretary

Date

Recorder: LP